

RECEIVED
CLERK'S OFFICE

2015 MAR 23 AM 8:44

U.S. DISTRICT COURT
MIDDLE DIST. OF GEORGIA
MACON, GEORGIAIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISIONQUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983MARIO REMALE MILTON
GDCH1270749

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

MR. RIVERS ^{VS.} Lieutenant
Officer COII James
Officer COII Moore
GREGORY MCLAUGHLIN WARDEN

(NAME OF EACH DEFENDANT)

Defendant(s)

CIVIL ACTION NO:

5:15-CV-106

I. GENERAL INFORMATION

1. Your full name and prison number MARIO REMALE MILTON #1270749
2. Name and location of prison where you are now confined MACON STATE PRISON
3. Sentence you are now serving (how long?) 15 years
 - (a) What were you convicted of? Armed Robbery, aggravated assault
 - (b) Name and location of court which imposed sentence Superior Court Savannah, GA 31412 Chatham County
 - (c) When was sentence imposed? 10-14-2004
 - (d) Did you appeal your sentence and/or conviction? Yes ☐ No ☒
 - (e) What was the result of your appeal? N/A

(f) Approximate date your sentence will be completed 8-10-24

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes ☐ No ☒

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:
(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s):

N/A

Defendant(s):

N/A

(b) Name of Court:

N/A

(c) Docket Number:

N/A

When did you file this lawsuit?

N/A

(d) Name of judge assigned to case:

N/A

(e) Is this case still pending?

Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes ☐ No ☒

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:
(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

(b) Name of Court:

N/A

(c) Docket Number:

N/A

When did you file this lawsuit?

N/A

(d) Name of judge assigned to case:

N/A

(e) Is this case still pending?

Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☐ No ☒

If your answer is Yes, state the name of the court and docket number as to each case:

N/A

N/A

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? MACON STATE PRISON F-1-215

(a) Does this institution have a grievance procedure? Yes ☒ No ☐

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes ☒ No ☐

(2) If Yes, what was the result? I appeal to the warden here AT MACON STATE PRISON were he denied my appeal

(3) If No, explain why not:

N/A

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

N/A

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes ☒ No ☐

(1) If Yes, to whom did you appeal and what was the result? Appealed To Central office and talked to some office investigation and compliance individuals on 1-19-15 here at Macon State Prison.

(2) If No, explain why you did not appeal:

N/A

10. In what other institutions have been confined? Give dates of entry and exit.

WARE STATE PRISON entry 3-25-10 exited on 4-25-12 Then entry to Telfair STATE PRISON on 4-25-12 exited 10-6-12.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailling address.

MACON STATE PRISON P.O. BOX 426 OGLETHORPE Georgia 31068

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

MR. RIVERS-Lieutenant, Officer CO II James, Officer CO II MOORE, GREGORY MCLAUGHLIN-WARDEN

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? MACON STATE PRISON

WHEN do you allege this incident took place? 4-4-14

WHAT happened? ON April 4, 2014 at Macon State Prison after lockdown around 2:30-3:00 AM I was asleep when my bed collapsed on my roommate Joathan Ajizian feeling pain I hurry off the bunk to check on him I helped him get the bunk off we told officer COIT James and tried to get LT down after a long time LT RIVERS finally came he was hostile towards us telling us threats and tried to make us fix the bunk we told him we need medical assistance he just kept cursing us threatening to lock us up when he realized we couldn't fix the bunk he made us take the bunk to the Sallyport by shift change officer RCOIT Moore was told not only by officer RCOIT James but me and my roommate as well that we needed medical I woke my roommate up before going to supper when I came back he was faced first on the floor that's when I called Moore and medical came and got him I was called to MR. BoBBitt's office because to ask me what happen then I was taking to medical by LT. Blackshear while up there he called officer RCOIT Moore and ask him if James told him we need medical and he rePonSed "yes" he was to so LT. commented "why is he just now coming to medical."

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

MR. BLACKSHEAR-Lieutenant, MR. LAKE-Lieutenant was working
on the day I was called to MR. BOBBITT-unit Manager office to explain
what happen, Officer RCOT James officer RCOT Carter was working
when the incident happen, Officer RCOT Terry, Officer RCOT Moore, Officer
RCOT McSpaden was working when Jonathan Avizian was faced first on the floor.

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

- ① I would like the court to remove these defendants
in the above matter from working for the Georgia
Department of Corrections.
- ② I would like the courts to award me nominal damages.
- ③ I would like the courts to award me punitive
damages.

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 9th day of March, 20 15.

Mario Wilson
 PLAINTIFF

Maintenace MR. Weeks was the one who experience the bunk been torn when he came to well the bunk back Together. Medical Staff MR. WARE was the nurse I seen when I was taken From MR. Bobitt office to Medical by LT. Blackshear and LT. Lake.

If the answer to any of the above is yes, describe each source of money received and state the amount received from each during the past TWELVE (12) MONTHS.

N/A

3. Do you have any cash, or do you have money in a checking, savings, or prison account? (You must attach a certificate from prison authorities if you have money in a prison account).

Yes ☐

No ☒

If yes, how much do you have?

\$ N/A

4. Do you own any real estate (house and/or property), stocks, bonds, notes, auto-mobiles, or other valuable property, excluding ordinary household goods and furnishings? Yes ☐ No ☒

a. If the answer is yes, describe the property and state its approximate value.

N/A

b. If the answer is yes, list any mortgages, liens, or loans against the property and state the amount you owe.

N/A

5. List the persons who are dependent upon you for their support. State your relationship to those persons and indicate how much you contribute toward their support.

N/A

Signed this 9th day of March, 20 15.

Maris Witten
(Signature of Plaintiff)